

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 406

Introduced by Crosby, 29

Read first time January 13, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to landlord and tenant; to amend section
2 76-1419, Reissue Revised Statutes of Nebraska; to change
3 fit premises provisions; and to repeal the original
4 section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-1419, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-1419. (1) The landlord shall:

4 (a) Substantially comply, after written or actual notice,
5 with the requirements of the applicable minimum housing codes
6 materially affecting health and safety;

7 (b) Make all repairs and do whatever is necessary, after
8 written or actual notice, to put and keep the premises in a fit and
9 habitable condition;

10 (c) Keep all common areas of the premises in a clean and
11 safe condition;

12 (d) Maintain in good and safe working order and condition
13 all electrical, plumbing, sanitary, heating, ventilating, air
14 conditioning, and other facilities and appliances, including
15 elevators, supplied or required to be supplied by him or her;

16 (e) Provide and maintain appropriate receptacles and
17 conveniences for the removal of ashes, garbage, rubbish, and other
18 waste incidental to the occupancy of the dwelling unit and arrange
19 for their removal from the appropriate receptacle; and

20 (f) Supply running water and reasonable amounts of hot
21 water at all times and reasonable heat except ~~where~~ when the
22 building that includes the dwelling unit is not required by law to
23 be equipped for that purpose, or the dwelling unit is so
24 constructed that heat or hot water is generated by an installation
25 within the exclusive control of the tenant and supplied by a direct
26 public utility connection.

27 If there exists a minimum housing code applicable to the
28 premises, the landlord's maximum duty under this section shall be

1 determined by subdivision (1)(a) of this section. The obligations
2 imposed by this section are not intended to change existing tort
3 law in the state.

4 (2) The landlord and tenant of a single-family residence
5 may agree that the tenant perform the landlord's duties specified
6 in subdivisions (e) and (f) of subsection (1) and also specified
7 repairs, maintenance tasks, alterations, and remodeling, but only
8 if the transaction is in writing, for good consideration, enter
9 into a written agreement signed by the parties and supported by
10 adequate consideration, entered into in good faith and not for the
11 purpose of evading the obligations of the landlord, for the tenant
12 to perform the landlord's duties specified in:

13 (a) Subdivision (1)(e) of this section unless a local
14 governing body has enacted an ordinance after the effective date of
15 this act requiring the landlord of a single-family residence to
16 provide and maintain such waste removal service;

17 (b) Subdivision (1)(f) of this section; or

18 (c) Specified repairs, maintenance tasks, alterations,
19 and remodeling.

20 (3) The landlord and tenant of a dwelling unit other than
21 a single-family residence may agree that the tenant is to perform
22 specified repairs, maintenance tasks, alterations, or remodeling
23 only if:

24 (a) The agreement of the parties is entered into in good
25 faith and not for the purpose of evading the obligations of the
26 landlord and is set forth in a separate writing signed by the
27 parties and supported by adequate consideration; and

28 (b) The agreement does not diminish or affect the

1 obligation of the landlord to other tenants in the premises.

2 (4) Notwithstanding any provision of sections 25-21,219
3 and ~~76-1401 to 76-1449~~ the Uniform Residential Landlord and Tenant
4 Act, a landlord may employ a tenant to perform the obligations of
5 the landlord.

6 Sec. 2. Original section 76-1419, Reissue Revised
7 Statutes of Nebraska, is repealed.